

WARRANT

Burlington Town Meeting



January 27, 2020
7:30 P.M.

Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA

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Burlington Town Meeting
Monday
January 27, 2020

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WARRANT

BURLINGTON TOWN MEETING

Monday, January 27, 2020

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium, in said Town, the 27th of January 2020 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant:

GENERAL ARTICLES

ARTICLE #1

RE: Reports of Town Officers & Committees

To hear and act on the reports of the Town Officers and Committees, or to act in any other manner in relation thereto.

Submitted by the Rules Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES

ARTICLE #2

RE: Dimensional Requirements of the High-Rise Industrial (IH) Zoning District

To see if the Town will vote on the petition of The Planning Board to amend Article V: Dimensional Requirements of the Burlington Zoning Bylaw to modify the height and dimensional requirements of the High-Rise Industrial (IH) Zoning District as follows:

See notes for Density Regulation Table immediately following.

SECTION 5.2.0 DENSITY REGULATION SCHEDULE: No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear yard setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein. ⁴

	IG	IH	IR
<i>Minimum Lot Area</i> ⁹	<i>40,000 sf</i>	<i>120,000 sf</i>	<i>18 Acres</i>
Minimum Lot Frontage	150 ft	100 ft	400 ft
Minimum Front Yard	15 ft ⁵	25 ft	100 ft
Minimum Side Yard	15 ft ⁵	15 ft ⁵	100 ft
Minimum Rear Yard	15 ft ⁵	15 ft ⁵	100 ft
Minimum Lot Width	N/A	N/A	N/A
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities ¹⁰	20% depth of lot ⁶	100 ft	20% depth of lot ⁶
Maximum Aggregate Building-to-Ground Area Percentage	25%	25%	25%
Maximum Building & Structure Height ¹¹	80 ft ⁸	90 ft ^{7, 12}	80 ft ⁸
Minimum Feet Between Buildings	None	None	None
Maximum Floor Area Ratio (FAR)	.15 ^{2,3}	.15 ^{2,3}	None

See notes for Density Regulation Table immediately following

NOTES FOR DENSITY REGULATION TABLE

- 1 but not less than required by the State Building Code
- 2 Except that the Planning Board pursuant to a "Site Plan" or "Special Permit" as described in Section 9.2.0 and 9.3.0 of Article IX, may permit the Maximum Floor Area Ratio (FAR) to increase to .25 if such application or applications meets the performance criteria specified in Section 5.1.5.1 of Article V and further may permit the Maximum Floor Area Ratio (FAR) to increase to .50 if such application or applications meets the performance criteria specified in Section 5.1.5.2 of Article V.
- 3 The Net Floor Area of any structure or building in which a child care facility is to be operated as an accessory or incidental use shall be excluded from the Maximum Floor Area Ratio (FAR) calculation, such that the otherwise allowable FAR of such structure or building shall be increased by an amount equal to the floor area of such child care facility up to a maximum increase of ten (10%) percent. All terms and conditions of M.G.L. Chapter 40A, Section 9 (C) shall apply.
- 4 Reference Section 8.5.5 for additional criteria applicable to the CC and CBD Districts.
- 5 Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire resistive door or shutter or water curtain device, subject to the approval of the Inspector of Buildings. There shall extend across the rear of every building or structure an open area at least 10 feet wide for firefighting purposes.
- 6 20% of the average depth of the lot measured perpendicularly from the common lot boundary line but not less than 10 feet and not more than 100 feet. Not less than 75% shall be landscaped or, if wooded, left in a natural state. Screening may be placed on remaining 25%.
- 7 Within 200 feet of RO or RG - 30 feet; for each 100 feet in excess of 200 feet from RO or RG - 15 additional feet, with a maximum of 90 feet, except that no structure located within 1,800 feet of the center point of the intersection of Cambridge Street and Route 128 shall exceed 80 feet in height.
- 8 Same as IH except maximum equals 80 feet.
- 9 Land use principally for a coordinated, integrated retail or industrial use (for example, a shopping center or an industrial park) shall be deemed to be one lot for density regulation and parking purposes notwithstanding that legal ownership in the land is divided, by lease, in fee or otherwise, among two or more owners.
- 10 For any proposed use in the Business or Industrial Districts on property that is adjacent to an Open Space or primarily residential Planned Development District, which requires a special permit as set forth in the Principal Use Regulation Schedule, the Planning Board may require a greater setback (in feet) than is set forth in this Density Regulation Schedule. If the useable square feet of residential space plus the useable square feet of any amenities useable by occupants of the residential component are equal to or more than the useable square feet of non-residential space, then the entire development shall be considered "primarily residential"
- 11 Within 50 feet of OS 30 feet.
- 12 Within 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of one level of parking use above the average finished grade around the building can be excluded when calculating structure height.

Beyond 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of two levels of parking use above the average finished grade around the building can be excluded when calculating structure height.

The equivalent footprint of the parking footprint under the finished floor area of a building shall be set aside as green space unless, through a finding by the Planning Board pursuant to a "Site Plan" or "Special Permit" as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit.

And further to amend Article 10.5.0 of the Zoning Bylaw to delete the existing language in its entirety.

or to act in any other manner in relation thereto.

Submitted by the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

Town Meeting Warrant
January 27, 2020

ZONING BYLAW ARTICLES - Continued

ARTICLE #3

RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 400 and 600 Summit Drive as said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 56 Parcel 19-0 and Map 56 Parcel 20-2 and more particularly described on the parcel deeds referenced as Book 68907 Page 298 and Book 68907 Page 304 to the High-Rise Industrial (IH) District. Said parcels of land are generally identified as being located off of Summit Drive (formerly Wheeler Road), consisting of approximately 35.04 acres; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
The Property Owners: Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez, Trustees of Burlington January 1998 Realty Trust (400 Summit Drive Property Owner) and 600 Wheeler Road LLC (600 Summit Drive Property Owner)

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #4

RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 3 Van De Graaff Drive and known as Town of Burlington Assessor's Map 53 Parcel 7-0, consisting of approximately 16.16 acres and more particularly identified as being the parcels of land shown as Lot 1A and Lot 1B on a plan of land entitled: "Plan of Land in Burlington, Massachusetts, prepared for: Orix JLL Burlington Venture", prepared by Vanasse Hangen Brustlin, Inc., Scale: 1 inch = 100 feet, dated April 4, 2001 and recorded with the Middlesex South Registry of Deeds as Plan No. 770 of 2001 from the General Industrial (IG) Zoning District to the High-Rise Industrial (IH) Zoning District, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the property owner: American Landmark III, LLC

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES - Continued

ARTICLE #5

RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 60 Blanchard Road as said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 53 Parcel 4-0, and more particularly described in the Quitclaim Deed recorded with the Middlesex South Registry District of the Land Court as Document No. 1818413 on Certificate of Title 271040, Book 1546, Page 193 to the High-Rise Industrial (IH) Zoning District, consisting of approximately 7.77 acres, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the property owner: 60 Blanchard Owner LLC

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES

ARTICLE #6

RE: Repurpose School Capital Warrant Article

To see if the Town will vote to transfer from Article 7-27 of May 2019 Annual Town Meeting (MSMS Cafeteria Tables) the sum of \$11,576 to Article 7-19 of May 2019 Annual Town Meeting (Pine Glen Sewer Pumps), or to act in any other manner in relation thereto.

Amount: \$11,576

Submitted by the Board of Selectmen at the request of the School Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #7

RE: Auction Fund

To see if the Town will vote to transfer from available funds the sum of \$50,000 for the purpose of establishing an auction fund the same to be spent under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

Amount: \$50,000

Submitted by the Board of Selectmen at the request of Philip Gallagher, Ways & Means Committee Member

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #8

RE: Amend Administrative and Professional Classification Plan

To see if the Town will vote to amend the Administrative and Professional Classification Plan for FY20, by eliminating the position of Purchasing Analyst in Group 12 and adding the position of Financial/Purchasing Analyst in Group 10, and eliminating the position of Budget Analyst in Group 12 and by adding the position of Budget Director in Group 14; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE #9

RE: Burlington Transportation Study

To see if the Town will vote to transfer from available funds the sum of \$1,000 to hire a consultant to report by April 30, 2020, on transportation infrastructure (including but not limited to school buses, B-line, Uber Transportation Subsidy, COA vans and authorized taxis, MBTA and Lowell system, commercial businesses' mini and employee shuttle buses) regarding:

--areas of congestion re traffic in Burlington (times/locations per police/fire logs)

--stratagems currently in place to mitigate this congestion

--data re Cost and Revenue for each component of Burlington traffic's infrastructure—with the specific added tax cost per household—for the past five years, as well as the populations served by each (i.e., residents, commuters, daytime population, students and all those doing business in town)

--the number of households without cars (via excise tax data)

The consultant shall aid the Board of Selectman (and related departments) on any research not already undertaken by the Board in previous studies. The report shall be made available to all Town Meeting Members prior to the May 2020 session of Town Meeting and presented to the May 2020 session of Town Meeting; or to act in any other manner in relation thereto.

Amount: \$1,000

Submitted by the Board of Selectmen at the request of Mildred J. Nash, TMM, Precinct 3

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #10

RE: Transfer from Free Cash to Water Stabilization Fund

To see if the Town will vote to transfer from Free Cash the sum of \$355,760 to the Water Stabilization Fund, or to act in any other manner in relation thereto.

Amount: \$355,760

Submitted by the Board of Selectmen at the request of the Town Administrator.

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE #11

RE: Replenish Reserve Fund

To see if the Town will vote to transfer from Free Cash to the budget line item 92 - Reserve Fund, the sum of \$100,000, or to act in any other manner in relation thereto.

Amount: \$100,000

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #12

RE: Burlington Historical Museum Lift

To see if the Town will vote to transfer from available funds the sum of \$120,000 for the purpose of funding Handicap Accessibility Improvements at the Burlington Historical Museum, or to act in any other manner in relation thereto.

Amount: \$120,000

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL ARTICLES - Continued

ARTICLE #13

RE: Alteration of Public Way Mooney Road

To see if the Town will vote to discontinue that portion of the public way known as Mooney Road shown as Lot's "X," "Y" and "Z" and as shown on a plan prepared by Eastern Land Survey Associates dated September 5, 2018 on file with the Town Clerk, said parcels already having been approved by the January 28, 2019 Town Meeting Article 8 for conveyance; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE #14

RE: Authorizing Confirmatory or Release of Deed

To see if the Town will vote to authorize the Board of Selectmen to enter into a deed conveying and/or releasing a parcel of land incorrectly conveyed to the Town identified as "Parcel I" in the aforementioned deed, and/or take any other corrective and confirmatory action related to the purchase of land as authorized under Article 7 of the September 9, 2002 Town Meeting for the property identified in that certain deed recorded in Book 37433 Page 516 in the Middlesex Registry of Deeds located off of Marion Road, Burlington, Middlesex County, currently located at Assessor's Map 21 Parcel 235 containing approximately 15.7 acres more or less, described as "Parcel II" in said deed, and to execute any other documents necessary to effectuate the correction in the deed description, or take any other action in relation thereto.

Submitted by the Board of Selectmen at the request of The Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL BYLAW ARTICLES

ARTICLE #15

RE: Amending Article IV, Section 1.10, “Filling of Vacancies Other Than Selectmen”; Article VII, Section 1.0, “Treasurer”; and Article VII, Section 2.0, “Tax Collector”

To see if the Town will vote, based on the passage of the Ballot Question from the April 6, 2019 Annual Town Election, to amend Article IV, Section 1.10, by removing “Treasurer, Collector of Taxes”. After approval, this section will read as follows:

1.10 Filling of Vacancies, other than Selectmen

If there is a failure to elect or if a vacancy occurs in any elected town office, other than offices of Selectmen, Town Clerk, or Auditor, the Selectmen shall fill the vacancy in accordance with Massachusetts General Law Chapter 41, Section 11. Vacancies for appointed positions shall be filled by the appointing authority for the office, board, commission or committee.

And to amend Article VII, Section 1.0, “Treasurer” and Section 2.0, “Tax Collector” by removing “duly elected on April 2, 1977, or in any subsequent election” and “whether elected or appointed” from Section 1.7; adding Section 1.8; and removing all gender specific references from all of sections 1.0 and 2.0. After approval, these sections will read as follows:

1.0 Treasurer

The Town Treasurer shall:

1.1 Be responsible for the investment of Town funds, and for the borrowing of funds required by the Town, in a manner most beneficial to the Town;

1.2 Advise Town Officers on fiscal matters delineated in Section 1.1 above;

1.3 Report to the Town annually on the Treasurer’s activities of the preceding fiscal year in sufficient detail to permit proper evaluation of the Treasurer’s performance. Sufficient detail includes as a minimum, a cash analysis sheet and a report of significant financial transactions made during the year;

1.4 Furnish bond as required under Chapter 41, Section 35, General Laws;

1.5 Prosecute actions on bonds, notes and other securities in accordance with Chapter 41, Section 36, General Laws; and

Note: Adopted Art. 3 Spec. TM 6/26/69. App. A.G. 1/21/70. Pub. BTU 2/12, 2/19, 2/26/70.

1.6 Be a member, ex-officio, of any board or committee appointed by or on behalf of the Town, for purpose of planning a project involving the borrowing of money by the Town.

Note: App. Art. 11, Spec. TM 10/14/63. App. A.G. 4/12/65. Pub. BTU 12/3, 12/10, 12/17/70.

1.7 Anything in Article III of the General Bylaws of the Town of Burlington notwithstanding, the Treasurer shall act as Tax Collector, and perform all the duties of Tax Collector. No separate Tax Collector shall be elected or appointed.

Note: Adopted Art. 24A TM 1/26/77. App. A.G. 2/18/77. Pub. Burl. News 2/24, 3/3/77. 1.8 The Board of Selectmen shall exercise general control over the Town Treasurer.

2.0 Tax Collector

2.1 The Tax Collector shall carry out the provisions of Chapter 60 of the General Laws, including as a minimum:

2.1.1 Collect all taxes and interest, account for such funds, and deposit same in any bank;

2.1.2 After receipt of a tax list and warrant, insure each person is notified of the amount of tax due;

2.1.3 Maintain a cash book in accordance with Section 7 of Chapter 60;

2.1.4 Furnish bond as Collector of Taxes;

2.1.5 May appoint deputies in accordance with MGL Section 92, General Laws; and

2.1.6 Make proper disposition of the Tax Collector's records in accordance with Section 97, General Laws.

2.2 Perform all other duties required under Chapter 41, Sections 35 through 43 of the General Laws.

Note: Adopted under Art. 4 Spec. TM 6/25/69. App. A.G. 1/21/70. Pub. BTU 2/12, 2/19, 2/26/70

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Clerk/Bylaw Review Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting.

You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the Town Meeting of January 27, 2020 at Fogelberg Auditorium, Burlington High School.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid

Given under our hands this 16th day of December in the year of our Lord 2020.

Joseph E. Morandi, Chairman
James M. Tigges, Vice Chairman
Robert C. Hogan
Michael S. Runyan
Nicholas C. Priest

SELECTMEN OF BURLINGTON, MASSACHUSETTS

A true copy attest.

_____ Constable

Dated _____

Middlesex ss

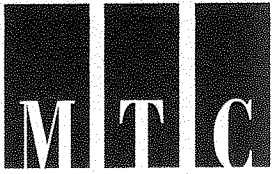
Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting of January 27, 2020.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on the 10th day of January, 2020.

Attest: Amy E. Warfield, Town Clerk

Town Meeting Warrant
January 27, 2020



Mead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950
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Fax 978.463.7747

www.mtclawyers.com

December 27, 2019

Bill Beyer, Town Moderator
Board of Selectmen
Town of Burlington
29 Center Street
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Board of Selectmen;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant dated December 26, 2019 and have found it legal as to form. Articles 2, 3, 4 and 5 are amendments to the Town of Burlington Zoning Bylaws and pursuant to G.L. c. 40A §5, will require a two-thirds vote of the Town Meeting. Additionally, articles 13 and 14 entail conveyance of Town Property and will require a 2/3 vote of the Meeting.

Should you have any questions, please let me know. Otherwise I will update this letter upon review of the final motions.

Regards,

A handwritten signature in black ink, appearing to read 'Lisa L. Mead', written in a cursive style.

Lisa L. Mead
Town Counsel

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400